

United States District Court Southern District of New York

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Robert mercer

V

Westchester medical center

**Complaint for Punitive damages for mental anguish , Compensatory damages and
Declaratory relief**

1. Plaintiff Robert Mercer in support of his complaint against the defendant Westchester medical center hereby States the following:
2. The plaintiff herein Robert Mercer is a resident of the state of New York and resides in New York city, st Nicholas houses.
3. The defendant herein Westchester medical center has a place of business at Westchester county New York 100 woods road Valhalla New York 10595 in New York state defendant is engaged in the business as a medical behavior center.

Jurisdiction and venue

4. This court has specific jurisdiction to hear this case pursuant to the US Constitution's first amendment and pursuant to 28 USC 1331 and 42 USC 1983. This complaint is timely filed pursuant to cplr 214. As well as under the due process claim clause of the US Constitution because among other things the cause of action in this complaint arises from the defendant transacting business in this Commonwealth and causing tortious injury by an act of omission in this Commonwealth. Moreover, exercising jurisdiction would not offend traditional notions of fair play and substantial Justice because the defendant could have, indeed should have reasonably foreseen being held into a New York district Court to account for their false and misrepresenting statements.

Nature of action

5. This action arises from the misrepresentation of Mental hygiene law 9.13's omh 472 form which was represented by vishnupriya samarendra a Westchester medical center social worker as, a patient having to write a notice of discharge then would have to wait 72 hours to be released, see exhibits from case 22-cv-8268 *Robert Mercer v Westchester medical center*, Giving Mr Mercer the impression that he had to wait 3 days until he is released when in fact MHL 9.13 States: for a period not to exceed 72 hours.

6. The facts and contingencies of Mental Hygiene Law 9.13 form presented to Mr Mercer were misrepresented and false statements.
7. The false and misrepresented statements made by vishnupriya samarendra, a ~~Westchester medical center social worker, deprived Mr Mercer his privilege to MHL 9.13~~ and right to be properly informed as to what he was signing.
8. The social worker made false and misrepresenting statements in regards to MHL 9.13's omh 472 form she also stated to Mr Mercer that he would have to stay until March 22nd until they found an outpatient therapist that took Mr Mercer's medical insurance.

State a claim upon which relief may be granted

9. Mr Mercer now suffers from post traumatic stress disorder anxiety and depression as a direct result of the Westchester medical center social workers misrepresentation of MHL 9.13. Mr Mercer felt trapped, kidnapped and stripped of his right to life and deprived of the privilege to be properly informed.
10. Mr Mercer suffered from mental anguish and emotional distress. Mr Mercer felt as if he was manipulated, he felt lied too, Mr Mercer was scared after being told he would have to spend additional time there after signing what the Westchester medical center social worker referred to as a 72-hour notice.

Claim under 42 USC 1983

11. As a direct result of Westchester medical center staff workers' misrepresentation of MHL 9.13 Mr Mercer was deprived of his privileges and right to mental hygiene law 9.13.
12. Mr Mercer was deprived of his rights to be properly informed as to signing the MHL 9.13 omh 472 form, Mr Mercer was deprived of his right to freedom when the facts about Mr Mercer's freedom were false and misrepresented to be in accordance with 42 USC 1983
13. The social worker vishnupriya samarendra was working on the day March 15th 2021 as a MD when she misrepresented the facts and contingencies of MHL 9.13 to Mr Mercer, depriving Mr Mercer's freedom, privileges and right to be properly informed, to be in accordance with 42 USC 1983.

Conclusion

14. From March 1st 2021 to March 17 2021, Mr Mercer was admitted to the Westchester medical center, on March 15 2021, vishnupriya samarendra a social worker for the hospital misrepresented the facts and contingencies of mental hygiene law 9.13 causing tortious injuries by an act of omission.

15. By reasons of the facts and circumstances and pursuant to the provision set forth in 42 USC 1983 wherefore the plaintiff's respectfully request that the court enter an award in the plaintiff's favor against the defendant as follows:

16. Awarding Mr Mercer compensatory damages of not less than \$55,000,000.00

17. Awarding Mr Mercer punitive damages for mental anguish to the maximum extent permitted by the laws of this Commonwealth but not less than \$350,000

18. A civil penalty of \$30,000,000.00

19. Declaratory relief

20. such other and further relief as the courts deems appropriate

Date: 8/19/2022

Sign : /s/ Robert Mercer

Robert Mercer

REPORT NUMBER: WINR0146	SEMI-MONTHLY PUBLIC ASSISTANCE BUDGET CALCULATION	REPORT DATE: //
EFFECTIVE DATE OF BUDGET: 10/A/21	LOCAL OFFICE: 018	WORKER: WMCJT CASE NAME: MERCER ROBERT
CASE NUMBER: 000354065121	SUFFIX: 01	NUMBER IN PA HOUSEHOLD: 1
NEEDS	185% TEST & POVERTY LEVEL TEST AMOUNT	NUMBER IN PA SUFFIX: 1
PRE ADDED ALLOWANCE	79.00	EARNED INCOME
SHELTER	107.50	ACTUAL
ENERGY	7.05	STANDARD DEDUCTION
ENERGY SUPPLEMENT	5.50	55% DEDUCTION
WATER	.00	CHILD CARE
FUEL	.00	\$15 EXEMPTION
PREGNANCY ALLOWANCE	.00	1/3 EXEMPTION
HOME DELIVERED MEALS	.00	OTHER DEDUCTIONS (INCLUDES PRORATA REDUCTION AMT)
RESTAURANT ALLOWANCE	.00	E. TOTAL DEDUCTIONS
OTHER NEEDS	.00	F. NET EARNED INCOME
TOTAL NEEDS FOR 185% TEST	199.05	UNEARNED INCOME
185% X TOTAL NEEDS	368.25	SOURCE
TOTAL EARNED + UNEARNED FOR 185% TEST	.00	
POVERTY LEVEL TEST	536.67	
TOTAL INCOME FOR POVERTY LEVEL TEST	.00	
NEEDS REDUCTION DUE TO IVD SANCTION	.00	G. TOTAL UNEARNED INCOME (INCLUDES PRORATA REDUCTION AMT)
TOTAL NEEDS FOR NET INCOME TEST	199.00	H. NET UNEARNED INCOME
NEEDS REDUCTION DUE TO PRORATA SANCTION	.00	I. TOTAL INCOME (F + H)
TOTAL NEEDS FOR BUDGET DEFICIT CALCULATION	199.00	C. TOTAL NEEDS
OTHER ALLOWANCES		I. TOTAL INCOME
REFRIGERATOR RENTAL ALLOWANCE	.00	J. BUDGET DEFICIT
		: RECOUPMENT AMOUNT
		: SEMI-MONTHLY PA GRANT
		PA GRANT CALCULATION
		199.00
		.00
		199.00
		.00
		199.00

NOTE: AMOUNTS SHOWN IN ITEMS (A) AND (J) ABOVE HAVE BEEN ROUNDED DOWN.

ESTE REPORTE SERA TAMBIEN DISPONIBLE EN ESPANOL

BUDGET NUMBER: (BASIS)

ESTE REPORTE SERA TAMBIEN DISPONIBLE EN ESPANOL
(BASIC)
BUDGET NUMBER:

NOTE: AMOUNTS SHOWN IN ITEMS (A) AND (J) ABOVE HAVE BEEN ROUNDED DOWN.

SNAP BUDGET CALCULATION FOR PA & PA-SSI CASES			REPORT DATE: //
SEFUKI NUMBER: WINKUL154 (REV. 8/03)	WORKER: WMCJT	CASE NAME: MERCER ROBERT	PAGE: 1
FILE # 12.3	NUMBER IN CASE: 1	EFFECTIVE DATE OF BUDGET: 10/A/21	
CASE NUMBER: 000354065121	INC: 018		
BUDGET CALCULATION			
I. INCOME			
1. SEMI-MONTHLY GROSS EARNED INCOME	.00	E. SHELTER COSTS	107.50
2. NET S/M INCOME FROM BOARDER/LODGER	.00	20. S/M ACTUAL RENT OR MORTGAGE BILLED TO HOUSEHOLD	.00
3. TOTAL S/M INCOME (LINE 1 + 2)	.00	21. S/M COMBINED UTILITY/PHONE STANDARD	426.00
4. S/M PA GRANT	199.00	22. S/M COMBINED HEAT/UTILITY/PHONE STANDARD	.00
5. TOTAL S/M PA RECOUPMENT	.00	23. S/M PHONE STANDARD	.00
6. NET S/M PA GRANT (LINE 4 MINUS 5)	199.00	24. OTHER S/M SHELTER EXPENSE, REAL ESTATE TAXES, INSURANCE, INSTALLATION OF UTILITIES, ETC.	.00
7. GROSS S/M OTHER UNEARNED INCOME	.00	25. LINES 20 + 21 + 22 + 23 + 24	E. 533.50
8. TOTAL S/M UNEARNED INCOME (LINES 6 + 7)	199.00	F. EXCESS SHELTER DEDUCTIONS	533.50
9. S/M GROUP HOME EXCLUSION	.00	26. TOTAL SHELTER COST, E	55.25
10. S/M CHILD SUPPORT EXCLUSION	.00	27. 1/2 OF ADJUSTED INCOME, D	478.25
11. LINES 3 + 8 LESS LINES 9 + 10	A. 199.00	28. EXCESS SHELTER COSTS. (LINES 26 MINUS 27) IF 26 IS LESS THAN 27, ZERO WILL APPEAR.	
130% STANDARD SEMI-MONTHLY DEDUCTIONS	B. 698.00	29. MAXIMUM SHELTER DEDUCTION FOR AGED/DISABLED, OR AMOUNT FROM LINE 28. FOR ALL OTHERS, ACTUAL OR STANDARD, 298.50, WHICHEVER IS LESS.	F. 298.50
2. 20% OF LINE 3	.00	6. SEMI-MONTHLY SNAP NET INCOME	110.50
3. STANDARD DEDUCTION	88.50	30. D, ADJUSTED INCOME	298.50
4. ALLOWABLE SEMI-MONTHLY CHILD-CARE/DEPENDENT CARE COSTS	.00	31. F, EXCESS SHELTER DEDUCTION	.00
5. ALLOWABLE S/M MEDICAL DEDUCTIONS	.00	32. S/M NET SNAP INCOME. (LINE 30 MINUS 31)	6. .00
6. CHILD SUPPORT DEDUCTIONS	.00	H. MONTHLY SNAP NET INCOME	H. .00
7. HOMELESS SHELTER DEDUCTION	.00	33. MULTIPLY AMOUNT IN 32 X 2	250.00
8. LINES 12 + 13 + 14 + 15 + 16 + 17	C. 88.50	I. BENEFIT ENTITLEMENT	.00
ADJUSTED INCOME	110.50	34. BENEFIT	250.00
9. A MINUS C		35. MONTHLY SNAP RECOUPMENT	
		36. ADJUSTED BENEFIT AMOUNT (LINE 34 MINUS 35)	I. 250.00
TE REPORTE SERA TAMBIEN DISPONIBLE EN ESPANOL			
BUDGET NUMBER:	FEDERAL SNAP: 250.00	STATE SNAP: .00	
	(BASIS)		